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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,998	10/05/2006	Kai Schiemann	MERCK-3073	6474
	7590 12/22/200 TE, ZELANO & BRA	EXAMINER		
2200 CLAREN	*	CHU, YONG LIANG		
SUITE 1400 ARLINGTON, VA 22201		ART UNIT	PAPER NUMBER	
,			1626	
			MAIL DATE	DELIVERY MODE
			12/22/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Advisory Action Before the Filing of an Appeal Brief

Application No.		Applicant(s)	
	10/551,998	SCHIEMANN ET AL.	
	_		
	Examiner	Art Unit	
	Examiner YONG CHU	Art Unit 1626	

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address — THE REPLY FILE DS 20 Sember 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  1. ■ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant in cit time of the control of the co		TONG CHO	1020				
<ul> <li>1.</li></ul>	The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence add	ress			
application, applicant must timely file one of the following replies: (1) an amendment afficiavit, or other evidence, which places the application in condition for allowance; (2) a. Notice of Appeal (with appeal etc) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a) The period for reply expires a months from the mailing date of the final rejection.  b) The period for reply expires a months from the mailing date of the final rejection in event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: If No. 15 is checked, check either box (a) or (2). ONLY CHECK BXOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f).  Exensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee invite been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee invite 37 CFR 1.136(a) is activated that on the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.136(a) is activated that the manual state of the into the state of the state of the into the state of the into the state of filing the Notice of Appeal was filed on	THE REPLY FILED 02 December 2008 FAILS TO PLACE THIS	APPLICATION IN CONDITION F	OR ALLOWANCE.				
a) The period for reply expires @months from the mailing date of the final rejection. b) The period for reply expires out (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the shatutory period for reply expire later than SIX MONTHS from the mailing date of the interest in overall the provided of the provided for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: If box 1 is checked, check either box (a) or (b) ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWI MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.13(é). The date on which the petition under 37 CFR 1.13(é) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee that the provided of the provided of the filed of the filed form. (1) the expiration date of the shortened statutory period for reply originally set in the office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if simely filed, may reduce any amend patent term adjustment. See 37 CFR 1.70(b).  NOTICE OF APPEAL  2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). To CFR 41.37(a). Or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since Notice of Appeal was been sused that would require further consideration and/or search (see NOTE below);  (b) They raise new issues that would require further consideration and/or search (see NOTE below);  (c) They raise new issues that would require further consideration and/or search (see NOTE below);	application, applicant must timely file one of the following r application in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C	eplies: (1) an amendment, affidavi al (with appeal fee) in compliance	t, or other evidence, v with 37 CFR 41.31; o	which places the r (3) a Request			
b) The period for reply expires on. (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of final rejection.  Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TW. MONTHS OF THE FINAL REJECTION. See MPEP 766 07(7).  Extensions of time may be obtained under 37 CFR 1.138(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked, Any reply received by the Office detension and the corresponding amount of the ref. pappropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked, Any reply received by the Office late than three months after the mailing date of the final rejection, even if timely length may reduce any pamed patent term adjustment. See 37 CFR 1.734(b).  NOTICE OF APPEAL.  Calculate the Notice of Appeal as filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  AMENDMENTS  AMENDMENTS  AMENDMENTS  AMENDMENTS  AMENDMENTS  AMENDMENTS  AMENDMENTS  AMENDMENTS  Calculate the value of the set of the shortened value of the set of th		of the final rejection.					
MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the exprination date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent rem adjustment. See 37 CFR 1.73(b).  NOTICE OF APPEAL  2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise the visue of new matter (see NOTE below);  (b) They raise the visue of new matter (see NOTE below);  (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet. (See 37 CFR 1.126. See attached Notice of Non-Compliant Amendment (PTOL-324).  5. Applicant's reply has overcome the following rejection(s):  6. Newly proposed or amended claims) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended c	b) The period for reply expires on: (1) the mailing date of this Adno event, however, will the statutory period for reply expire la	dvisory Action, or (2) the date set forth ter than SIX MONTHS from the mailing	g date of the final rejection	on.			
have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent time adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise new issues that would require further consideration and/or search (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).  1. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). Applicant's reply has overcome the following rejection(s):	MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f	).					
<ul> <li>2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 (a), to avoid dismissal of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</li> <li>AMENDMENTS</li> <li>3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);</li> <li>(b) ☐ They raise the issue of new matter (see NOTE below);</li> <li>(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</li> <li>(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.</li> <li>NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).</li> <li>4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</li> <li>5. ☐ Applicant's reply has overcome the following rejection(s):</li></ul>	have been filed is the date for purposes of determining the period of extrumer 37 CFR 1.17(a) is calculated from: (1) the expiration date of the sist forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b).	ension and the corresponding amount on tending amount of the corresponding amount of the correct and the corre	of the fee. The appropri- nally set in the final Offic	ate extension fee be action; or (2) as			
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12. Note the attached Information <i>Disclosure Statement</i> (s). (PTO/SB/08) Paper No(s)  13. Other:  /REI-TSANG SHIAO /	•	of the status of the claims after er	ntry is below or attach	ed.			
13. ☐ Other: /REI-TSANG SHIAO /	11. The request for reconsideration has been considered but	does NOT place the application in	condition for allowan	ce because:			
		/REI-TSANG SHIAO /					
			nit 1626				

Continuation of 3. NOTE: The pending claims are not ready for allowance because claims 10-12 and 15 have not been examined, and the claims require further search and examination.